

# Defense Attorneys for Triple-Murderer Investigate Eavesdropping Claims

## Post-Trial: John Allen Booth's Defense Appeared in Superior Court to Discuss Allegations

John Allen Booth Jr. smiles prior to a Lewis County Superior Court hearing in February at the Lewis County Law and Justice Center in Chehalis.

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[Defense Attorneys for Triple-Murderer Investigate Eavesdropping Claims](#) By Kyle Spurr [kspurr@chronline.com](mailto:kspurr@chronline.com) | [0 comments](#)

The newly appointed defense attorneys for convicted triple-murderer John Allen Booth Jr. are investigating allegations that the state violated Booth's constitutional rights by eavesdropping on his private conversations with his defense attorneys before and during his 2011 trial.

Defense Attorneys David Mistachkin and Erik M. Kupka, both based out of Grays Harbor County, appeared in Lewis County Superior Court on Tuesday to further discuss the claims.

Booth did not appear in court and remains in state prison in Walla Walla.

Booth, who was found guilty on six felony counts after a trial in December 2011, filed a motion in early December to vacate his life sentence and conviction due to the claim that corrections officers and Lewis County detectives purposely listened to his private conversations with his defense attorneys both in court and while he was in the jail.

"We know this is a legitimate issue, we know this exists," Mistachkin said. "The state is not arguing this didn't happen and that there is no such information. The state is arguing they don't have to provide the information."

Superior Court Judge Richard Brosey did not make any rulings on the post-trial claims. He suggested the defense make public records request from the Lewis County Sheriff's Office, which runs the jail where the eavesdropping allegedly took place, rather than request information from the state.

Prosecutor Brad Meagher offered to send an electronic version of the evidence from the trial to the defense.

Brosey said he is bothered by Booth's claims since they were all brought up post-trial and not before or during the trial in 2011.

"I fail to see quite frankly how this is really going anywhere when there is nothing on the record," Brosey said. "It seems to me that it is much ado about nothing."

Mistachkin and Kupka are tentatively planning to meet with Booth in Walla Walla on Sept. 26.

Another hearing will be scheduled later this year and Booth will likely be present.

Booth was convicted of first-degree murder for the deaths of David "DJ" West Jr., 16, of Salkum, and Tony E. Williams, 50, of Mineral; one count of second-degree murder for the death of David West Sr., 52, of Salkum; one count of first-degree attempted murder for the shooting of Denise R. Salts, now 52, of Randle, one count of first-degree extortion and one count of first-degree unlawful possession of a firearm.

Booth committed the murders at West Sr.'s Wings Way home while attempting to collect drug and jail-related debts, according to prosecutors and law enforcement officials.

Booth allegedly shot West Sr. three times and the other victims in the head.

Brosey sentenced the 33-year-old former Onalaska resident to life in prison without the possibility of parole.